REMARKS

Claims 1-8 are the claims currently pending in the present Application.

Applicant's Statement of the Substance of Examiner Interview

Applicant thanks the Examiner for the opportunity of a telephone interview conduced on March 10, 2005. During the interview, Applicant's representative explained that Weber does not disclose or suggest a settling server connected to a network inaccessible from unspecified third parties, as *inter alia* required by independent claim 1, or the settling server connected via a dedicated line, as *inter alia* required by independent claim 2.

The Examiner cited Weber, Figure 1B, and alleged that Weber discloses a merchant 130 connected to a network 150 and a second network 170. Applicant's representative cited Weber, col. 12, line 58 – col. 13, line 5, which explain that reference numerals 150 and 170 show sessions of the merchant computer system 130.

No agreement was reached, however, the Examiner suggested that a written response be filed and agreed to review Weber in light of the written response. The foregoing will serve as Applicant's statement of the substance of the interview.

Rejection of Claims 1-8 under 35 U.S.C. § 102(b)

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Weber, U.S. Patent No. 5,889,863. This rejection is traversed.

Independent claims 1, 3, 5 and 7 require requesting via <u>a second network</u>

inaccessible from unspecified third parties the settling server to check credit information, and indicating an acceptance of the application for the purchase of the article to the user terminal via said first network. Further, independent claims 2, 4, 6 and 8 require, *inter alia*, requesting via the dedicated line the settling server to check credit information, and indicating an acceptance of the application for the purchase of the article to the user terminal via the network.

Weber discloses remote virtual point of sale processing such that a protocol particular to each merchant is mediated by a gateway for further processing by a host application in a bank (Weber, Abstract). Weber discloses that a remote gateway facilitates communication between merchants and banks, such that the gateway communicates via SSL or SET with the bank in order to allow the bank to communicate with the merchants using their own protocols (Weber, col. 3, lines 57-65 and col. 4, lines 29-44); and that the gateway may be connected with the host server via a legacy network over which communication may be encrypted.

Weber does not disclose or suggest a settling server connected to a second network inaccessible from unspecified third parties (independent claims 1, 3, 5 and 7), or the settling server connected via a dedicated line (independent claims 2, 4, 6, 8).

In the Office Action, the Examiner cites Weber, column 15, lines 7-56, and alleges that a second network accessible from specified third parties is disclosed.

In the cited passage, and Weber at column 15 lines 9-30, discusses a payment gateway, connected to the merchant system by the Internet using cryptography, such as the public key-private key or the SET protocols. Weber does not disclose or

3

suggest a second network inaccessible from unspecified third parties, and clearly does not disclose or suggest such a second network connected to the settling server.

With respect to independent claims 2, 4, 6 and 8, the Examiner argues that Weber, at column 4, lines 4-8, discloses a dedicated line.

However, the cited passage of Weber discloses that in the Internet communication environment over publicly accessible unsecured communication lines, additional security measures, such as cryptography, is required because private, secure, dedicated phone or leased line service such as that utilized between a traditional merchant and acquiring bank is not available. Thus, Weber actually directed to the use of cryptography in an Internet environment, not a dedicated line. Weber does not disclose or suggest a network sales system in which a seller server is connected to an Internet network and connected to the settling server via a dedicated line, as *inter alia,* required by independent claims 2, 4, 6 and 8.

In view of the foregoing discussion, the Application is now believed to be allowable and the Examiner is respectfully requested to reconsider the rejection, and to allow the Application. Should the Examiner have any questions about the within remarks, or about the Application generally, the Examiner is invited to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,

George Brieger
Registration No. 52,652

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343 Ext. 503
GB/ns

4